IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWELFTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No. 25554 of 2003

Between:

1. R.Prakash Kumar, S/o. Sri Narasimhulu, H.No. 4-7-65, Electricity Colony, Sangareddy, Medak Dist.
2. M.Sudhakar, S/o. Pentaiah,
H.No. 4-7-65, Electricity Colony, Sangareddy, Medak Dist.
3. B. Uma Maheswar, S/o. Sri Dakaiah,
H.No. 4-7-65, Electricity Colony, Sangareddy, Medak Dist.
4. E. Shankaraiah, S/o. Papaiah,
H.No. 4-7-65, Electricity Colony, Sangareddy, Medak Dist.
5.P. Srinivas, S/o. Narasimhulu,
H.No. 4-7-65, Electricity Colony, Sangareddy, Medak Dist.
6.P. Rajeswari, D/o. Sri P. Nandaiah,
H.No. 4-7-65, Electricity Colony, Sangareddy, Medak Dist.
7.J. Santosh Kumar, S/o. Gundi Rao,
H.No. 4-7-65, Electricity Colony, Sangareddy, Medak Dist.
8.D. Samuel Raj, S/o. Dharsi
H.No. 4-7-65, Electricity Colony, Sangareddy, Medak Dist.
9.A. Durga Prasad, S/o. Suryamani
H.No. 4-7-65, Electricity Colony, Sangareddy, Medak Dist.
10. P. Sathyanarayana, S/o. Thalupulu
H.No. 4-7-65, Electricity Colony, Sangareddy, Medak Dist.

..... PETITIONERS.

AND

1.The Central Power Distribution Company of A.P. Ltd., Singareni Bhawan, Khairtabad, Hyderabad, rep. by its Chairman and Managing Director.
2.The Superintending Engineer, Operations Circle, Central Power Distribution

Company of A.P. Ltd., Sangareddy, Medak Dist.

.....RESPONDENTS.

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an order direction or writ particularly one in the nature of writ of mandamus or any other appropriate writ declaring the proceedings in LR No. SE/OP/MDK/PO/ADM/ D.NO.1884/2003 dated 21-11-2003 issued to the petitioners herein negativing their claim for appointment to the post of L.D.C/Typist/ Sub-Engineer is illegal and arbitrary and consequently direct the respondents to consider and absorb them in the posts of L.D.C./Typist and Sub-Engineer or in any other suitable post.

Counsel for the Petitioners : Mr.DASARI VIJAYA KUMAR

Counsel for the Respondents: Mr.S.RAVINDRANATH, STANDING COUNSEL FOR CPDCL

The Court made the following :

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ORAL ORDER:

It is the case of the petitioners that they were working as contract labourers in the respondent Company as on the date of abolition of contract labour vide B.P.Ms.No.36, dated 18-5-1997 and, therefore, they are entitled for absorption either in the post of L.D.C. or Sub-Engineer or Typist according to their eligibility as per the said order against 50% quota of the existing vacancies as on 18-5-1997.

It is stated that petitioners 1 to 7 and 9 are qualified and entitled to be considered for absorption in the post of L.D.C. and eighth petitioner is entitled for absorption in the post of Sub-Engineer and tenth petitioner as Typist. All the petitioners have filed service certificates issued by the respective contractors and countersigned by the officials of the respondent Company. It is also stated that the relevant works which were awarded to their contractors were also mentioned in the service certificates. When the petitioners filed their applications for their absorption, their cases have been rejected by different proceedings dated 21-11-2003 issued by second respondent on the ground that during the verification of the certificates by the Vigilance Cell, the genuineness of the service certificates furnished by them along with the applications could not be established due to lack of corroborating evidence.

Similar rejection orders made by second respondent were considered by this Court in W.P.No.17163 of 2002 and batch, disposed of on 24-12-2002, in which I

have taken a view that the said opinion of the Vigilance Cell of the respondent Company is without any foundation. I have also taken a view that merely because the contractors have not produced the Attendance Registers, pay rolls, G.P.F. rolls etc., the contract labourers working under the contractors cannot be deprived of their right to be considered for absorption as per B.P.Ms.No.36, dated 18-5-1997. I have also observed that it is for the respondents to verify the certificates produced by the petitioners with reference to the agreements under which the contract labour were engaged by the contractors for the works awarded by the respondent Company. Therefore, the action of the respondents in rejecting the cases of the petitioners based on the report of the Vigilance Cell of the Company that due to lack of corroborative evidence, the service certificates cannot be treated as genuine, is illegal and unwarranted.

Similar proceedings dated 21-11-2002 was also questioned in W.P.No.4785 of 2003. While disposing of the said writ petition on 20-8-2003, the proceedings dated 21-11-2002 was set aside and the respondents were directed to consider the cases of the petitioners therein for absorption in suitable posts without reference to the objections raised in the said proceedings.

Having regard to the facts and circumstances of the case, the impugned proceedings dated 21-11-2003 are set aside. The writ petition is allowed directing the respondents to verify the service certificates issued by the contractors and countersigned by the officials of the Company with reference to the agreements under which contract labour are engaged as on 18-5-1997 and consider the cases of the petitioners for appointment in accordance with B.P.Ms. No.36, dated 18-5-1997 and pass appropriate orders in accordance with law within a period of two months from the date of receipt of a copy of this order. No order as to costs.

12th August 2004. **(V.ESWARAIAH, J.)**

ARS

That Rule Nisi has been made absolute as above.

Witness the Hon'ble Sri Devinder Gupta, the Chief Justice on this Thursday, the Twelfth day of August Two Thousand and Four.

To

1. Chairman and Managing Director, Central Power Distribution Company of A.P. Ltd., Singareni Bhawan, Khairtabad, Hyderabad. 2.The Superintending Engineer, Operations Circle, Central Power Distribution Company of A.P. Ltd., Sangareddy, Medak Dist.

3.Two C.D. copies.